



RECOMMENDING COMMITTEE AGENDA
RECOMMENDING COMMITTEE MEETING OF: AUGUST 5, 2002

- CALL TO ORDER
- ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW

MINUTES:

PRESENT: COUNCILMEN WEEKLY and MACK

Also Present: DEPUTY CITY MANAGER BETSY FRETWELL, CHIEF DEPUTY CITY ATTORNEY VAL STEED, PLANNING & DEVELOPMENT DIRECTOR ROBERT S. GENZER, CITY CLERK BARBARA JO (RONI) RONEMUS, and DEPUTY CITY CLERK GABRIELA S. PORTILLO-BRENNER

ANNOUNCEMENT MADE – Meeting noticed and posted at the following locations:

Las Vegas Library, 833 Las Vegas Boulevard North

Senior Citizens Center, 450 E. Bonanza Road

Clark County Government Center, 500 S. Grand Central Pkwy

Court Clerk's Bulletin Board, City Hall

City Hall Plaza, Posting Board

(4:01)

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AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: AUGUST 5, 2002

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

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DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2002-82 – Annexation No. A-0009-02 (A) – Property location: On the west side of Shadow Mountain Place, approximately 190 feet south of Lake Mead Boulevard; Petitioned by: Eric and Joseph Cruz; Acreage: 1.01 acres; Zoned: R-E (County zoning), U (R) (City equivalent). Sponsored by: Councilman Lawrence Weekly

Fiscal Impact

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No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

The proposed ordinance annexes certain real property generally located on the west side of Shadow Mountain Place. The annexation is at the request of the property owners. The annexation process has now been completed in accordance with the NRS and the final date of annexation (August 16, 2002) is set by this ordinance.

NOTE: A church is proposed for this site.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2002-82 and Location Map

COMMITTEE RECOMMENDATION:

COUNCILMAN MACK recommended Bill 2002-82 be forwarded to the Full Council with a “Do Pass” recommendation. COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

CHIEF DEPUTY CITY ATTORNEY STEED stated that the bill is in order.

No one appeared in opposition.

RECOMMENDING COMMITTEE MEETING OF AUGUST 5, 2002

City Attorney

Item 1 – Bill No. 2002-82

MINUTES – Continued:

There was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:01 – 4:02)

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AGENDA SUMMARY PAGE**RECOMMENDING COMMITTEE MEETING OF: AUGUST 5, 2002**

DEPARTMENT: CITY ATTORNEY**DIRECTOR: BRADFORD R. JERBIC**☐**CONSENT**☒**DISCUSSION****SUBJECT:**

NEW BILL:

Bill No. 2002-80 – Annexation No. A-0053-99 (A) – Property location: On the southeast corner of Rainbow Boulevard and Tropical Parkway; Petitioned by: Duesco, et al. (previous owners); Acreage: 19.51 acres; Zoned: R-E (ROI to RNP1) (County zoning), R-E (ROI to R-PD3) (City equivalent); Sponsored by: Councilman Michael Mack

Fiscal Impact☒**No Impact****Amount:**☐**Budget Funds Available****Dept./Division:**☐**Augmentation Required****Funding Source:****PURPOSE/BACKGROUND:**

The proposed ordinance annexes certain real property generally located on the southeast corner of Rainbow Boulevard and Tropical Parkway. The annexation is at the request of the previous property owners in connection with subdivision development. The annexation process has now been completed in accordance with the NRS and the final date of annexation (November 15, 2002) is set by this ordinance.

NOTE: The property is currently developed with a subdivision. The annexation will become effective after the November general election to avoid uncertainty related to voting eligibility.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2002-80 and Location Map

COMMITTEE RECOMMENDATION:

COUNCILMAN MACK recommended Bill 2002-80 be forwarded to the Full Council with a “Do Pass” recommendation. COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

CHIEF DEPUTY CITY ATTORNEY STEED stated that the bill is in order.

RECOMMENDING COMMITTEE MEETING OF AUGUST 5, 2002

City Attorney

Item 2 – Bill No. 2002-80

MINUTES – Continued:

No one appeared in opposition.

There was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:02)

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AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: AUGUST 5, 2002

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

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CONSENT

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DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2002-81 – Annexation No. A-0008-02 (A) – Property location: Southeast of the intersection of Grand Teton Drive and Hualapai Way; Petitioned by: El Durango, LLC, et al.; Acreage: 118.18 acres; Zoned: R-3 (County zoning); U (PCD), U (PR) and U (PF) (City equivalents). Sponsored by: Councilman Michael Mack

Fiscal Impact

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No Impact

Amount:

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Budget Funds Available

Dept./Division:

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Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

The proposed ordinance annexes certain real property generally located southeast of the intersection of Grand Teton Drive and Hualapai Way. The annexation is at the request of the property owners. The annexation process has now been completed in accordance with the NRS and the final date of annexation (August 30, 2002) is set by this ordinance.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2002-81 and Location Map

COMMITTEE RECOMMENDATION:

COUNCILMAN MACK recommended Bill 2002-81 be forwarded to the Full Council with a “Do Pass” recommendation. COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

CHIEF DEPUTY CITY ATTORNEY STEED stated that the bill is in order.

No one appeared in opposition.

There was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:02 – 4:03)

AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: AUGUST 5, 2002

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

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CONSENT

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DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2002-83 – Allows the expansion of nonconforming sexually oriented businesses under certain circumstances. Sponsored by: Mayor Oscar B. Goodman

Fiscal Impact

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No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

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Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

Under the City's zoning regulations, nonconforming businesses, including sexually oriented businesses, are not allowed to expand. This bill will eliminate that restriction for sexually oriented businesses in the M Zoning District that are nonconforming only because of the adoption of a different method of measuring distance.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2002-83

COMMITTEE RECOMMENDATION:

COUNCILMAN MACK recommended Bill 2002-83 be forwarded to the Full Council as amended with no recommendation. COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

CHIEF DEPUTY CITY ATTORNEY STEED said that this bill was originally requested in order to address the existing sexually oriented businesses within the M Zoning District that have been made nonconforming because of a change in the measurement of distances between such uses and with reference to other protected uses. In the meantime, it was brought up that this situation was confused with another situation where a sexually oriented business was already existing and a church or another protected use moved in within the distance, thereby reducing the ability of the existing sexually oriented business to expand. To remedy that confusion, staff is

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City Attorney

Item 4 – Bill No. 2002-83

MINUTES – Continued:

proposing to apply the language of the bill to locations in the M Zoning District and locations that have been made nonconforming because of a change in the distance measurement, and expand it to locations both in the CM and the M Zoning Districts that either became nonconforming because of that change or by reason of a protected use moving in within 1,000 feet. Therefore, an existing sexually oriented business would not be precluded from expanding because the protected use moving in would know ahead of time that that use was already in existence.

TOM McGOWAN, Las Vegas resident, questioned the term “allowing for expansion.” Does it mean expansion of the square footage in C-2 existing property, or by the addition of adjacent properties? He noted a case where one sexually oriented business owner adjacent to another property is trying to vacate that tenant in order to expand. He opined that this bill would provide the means for achieving that goal. He questioned the purpose of this bill and who might benefit from it. CHIEF DEPUTY CITY ATTORNEY STEED answered that the typical meaning of expansion for purposes of a nonconforming use is whether there is a proposed enlargement of the impact on a neighborhood. That may be measured in an increase in square footage, and that is what the ordinance addresses.

As far as what types of businesses might be affected by this bill, CHIEF DEPUTY CITY ATTORNEY STEED indicated that he does not know the genesis, but it was originally limited to those in the M Zoning District where nonconformity was brought about by reason of a change in measurement. The proposal is to expand it to both districts.

COUNCILMAN MACK asked MR. GENZER if this bill would set a precedent by changing nonconforming businesses in zoning areas in other business sectors. MR. GENZER clarified that Planning and Development staff was not involved in the drafting of this bill. As far as setting a precedent, he indicated that staff has internally been discussing for sometime that there is somewhat of an inequity with respect to sexually oriented businesses and taverns. There are a number of taverns that have been made nonconforming by virtue of the fact that a protected use, such as a childcare facility or a park, has been placed within 1,500 feet of that particular tavern. Staff believes that that is not a fair situation. If another business that is protected goes in within that 1,500-foot radius, why should the existing business be penalized when it was already there and fully conforming? Staff needs to consider taverns as well and perhaps propose something similar to this ordinance.

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City Attorney

Item 4 – Bill No. 2002-83

MINUTES – Continued:

COUNCILMAN MACK noted that the Draft House in Ward 6 was one of the first taverns in the vicinity and a lot of businesses came in after.

COUNCILMAN MACK indicated he did not feel comfortable in recommending approval. He recommended the bill be forwarded to the Full Council as amended with no recommendation. MR. McGOWAN asked if that would mean that the matter would not pass. CHIEF DEPUTY CITY ATTORNEY STEED indicated that it is just a neutral position.

No one appeared in opposition.

There was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:03 – 4:10)



RECOMMENDING COMMITTEE AGENDA
RECOMMENDING COMMITTEE MEETING OF: AUGUST 5, 2002

CITIZENS PARTICIPATION:

ITEMS RAISED UNDER THIS PORTION OF THE AGENDA CANNOT BE DELIBERATED OR ACTED UPON UNTIL THE NOTICE PROVISIONS OF THE OPEN MEETING LAW HAVE BEEN MET. IF YOU WISH TO SPEAK ON A MATTER NOT LISTED ON THE AGENDA, PLEASE CLEARLY STATE YOUR NAME AND ADDRESS. IN CONSIDERATION OF OTHERS, AVOID REPETITION, AND LIMIT YOUR COMMENTS TO NO MORE THAN THREE (3) MINUTES. TO ENSURE ALL PERSONS EQUAL OPPORTUNITY TO SPEAK, EACH SUBJECT MATTER WILL BE LIMITED TO TEN (10) MINUTES.

MINUTES:

TOM McGOWAN, Las Vegas resident, submitted his written comments, a copy of which is made a part of these Final Minutes, regarding his belief that approval of Bill No. 2002-83 will lead to the influx of adult strip clubs in the central downtown core of the City of Las Vegas.

(4:10 – 4:14)

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THE MEETING ADJOURNED AT 4:14 P.M.

Respectfully submitted: _____

GABRIELA S. PORTILLO-BRENNER, DEPUTY CITY CLERK
August 14, 2002